

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296
)	
)	

COMMENTS OF BELL SOUTH ENTERTAINMENT, LLC

BellSouth Entertainment, LLC (“BellSouth”), hereby submits its comments on the Commission’s *Further Notice of Proposed Rulemaking* (the “*FNPRM*”) in the above-referenced proceeding.¹

BellSouth’s interest in this proceeding is already a matter of record and need not be repeated in detail here.² As a provider of competitive multichannel video service in markets encompassing approximately 1.4 million potential households, BellSouth has a direct stake in the Commission’s ongoing examination of the Emergency Alert System (“EAS”) and any reforms thereof that implicate providers of multichannel video services.³ Indeed, BellSouth takes its existing EAS

¹ FCC 05-191 (rel. Nov. 10, 2005).

² See Reply Comments of BellSouth Entertainment, LLC, EB Docket No. 04-296 (filed Nov. 29, 2004) [“BellSouth NPRM Reply Comments”].

³ BellSouth currently provides wired analog and digital multichannel video service to approximately 40,000 subscribers in communities located in and around the Atlanta, Miami, Jacksonville and Birmingham (AL) markets. See *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, 20 FCC Rcd 2755, 2823 (2005). In addition, BellSouth is actively testing and evaluating the merits of video over Internet Protocol (“IPTV”) as a competitive multimedia platform for delivering video services in conjunction with its voice and data offerings. In particular, BellSouth has been evaluating the Microsoft IPTV Edition software over BellSouth’s “next generation” broadband network in the Atlanta market, and expects to move to a full service IPTV market trial by mid-2006. To that end, BellSouth recently entered into an agreement to receive satellite video services from SES Americom, under which SES Americom will supply video aggregation, encoding, monitoring and transport for BellSouth’s IPTV offering. While BellSouth’s pre-trial assessments of IPTV have been very promising, any decision to implement a full commercial roll-out of IPTV service will depend upon the results of BellSouth’s market trial and a complete

obligations very seriously, and thus has made substantial investments towards ensuring that its multichannel video services are EAS-compliant. In that spirit, BellSouth applauds the Commission's effort in the *FNPRM* to explore the possibility of designing a more comprehensive EAS system that might encompass both mass media and non-mass media services.

By the same token, however, BellSouth continues to believe that EAS reform should be guided by certain well-established regulatory principles that have proven successful in the past and have received substantial support in this proceeding. More specifically:

- The Commission should maintain clear federal EAS rules and policies that apply to state and local EAS messages, so as to relieve operators of the burden of complying with a patchwork of inconsistent state and local EAS requirements.⁴
- No modification of the EAS should require operators to dismantle existing facilities, initiate mandatory equipment upgrades or interfere with an operator's discretion to place EAS equipment at the location of the operator's choice, provided that the operator is otherwise in compliance with the FCC's EAS rules.⁵ Absent evidence that operator compliance with the EAS rules has been ineffective, there is no reason for the Commission to require operators to undertake the expense of purchasing new EAS equipment and reconfiguring their facilities to fix a problem that does not exist.⁶

Consistent with the above, it is imperative that the Commission continue to carefully weigh the benefits of expanding the EAS against the costs it will impose on new or competitive services that are only starting to gain a foothold in the marketplace. For example, and as noted in paragraph

evaluation of the business opportunity IPTV presents.

⁴ See BellSouth NPRM Reply Comments at 2-3; Comments of the National Cable & Telecommunications Association, EB Docket No. 04-296, at 4-5 (filed Oct. 29, 2004).

⁵ See BellSouth NPRM Reply Comments at 4-5; Comments of Verizon, EB Docket No. 04-296, at 1 (filed Oct. 29, 2004); Comments of Charter Communications, Inc., EB Docket No. 04-296, at 4 (filed Oct. 29, 2004).

⁶ See Comments of Cox Communications, Inc., EB Docket No. 04-296, at 2 (filed Oct. 29, 2004).

65 of the *FNPRM*, the record in this docket confirms that there are a variety of technical models for creating a nationwide digital alert and warning system more ubiquitous than the system that exists today. Yet, and particularly where new technologies are concerned, there remain substantial technical challenges that require further study and testing before the Commission can even begin to construct a regulatory framework for the next iteration of EAS.⁷

Accordingly, BellSouth urges the Commission to remain focused on working cooperatively with FEMA, DHS and others to promote further study of the EAS so that a meaningful industry consensus on the relevant technical issues can be achieved. The *FNPRM* notes, for instance, that the wireless industry is already participating in FEMA’s pilot projects vis-à-vis the development of an Integrated Public Alert and Warning System (“IPAWS”), and parallel projects by DHS and the Association of Public Television Stations are underway as well.⁸ Rather than impose premature regulations, the Commission should actively monitor the progress of those projects and, where appropriate, offer its unique expertise as to the technical, economic and public policy issues associated with providing emergency alert data over telephone, video, wireless devices, broadcast media and other networks.⁹

Likewise, BellSouth does not believe it is necessary or prudent for the Commission to impose additional EAS obligations on telephone companies that deliver “high definition digital

⁷ Among other things, wireless systems that utilize cellular technology typically do not have a headend-like facility at which EAS messages may be received and processed for further distribution to subscribers. Hence, notwithstanding the Commission’s contention that “[w]ireless products are becoming an equal to television and radio as an avenue to reach the American public quickly and efficiently,” most wireless systems use a fundamentally different delivery mechanism that cannot be readily adapted for EAS compliance. *See FNPRM* at ¶ 69.

⁸ *Id.* at ¶¶ 69, 71.

⁹ *Id.* at ¶ 71.

content to customers' homes through fiber optic connections.”¹⁰ In its current stage of development, there is nothing about telco-delivered video (whether via copper or fiber) that would justify imposing EAS obligations over and above those imposed on other multichannel video service providers. The Commission must also be sensitive to the fact that the movement of telco-delivered video to the IPTV model creates technical issues that the Commission has yet to fully explore, and which need further marketplace testing before any conclusions can reasonably be drawn. As a matter of public policy, BellSouth intends to ensure that its multichannel video systems are EAS-compliant, and believes that no special EAS regulation of new multichannel video technologies is necessary until there is evidence that others are unwilling to do the same.

The Commission also need not impose EAS-related performance standards or reporting requirements at this time. Again, this appears to be a solution in search of a problem. The public would be better served by committing public and private resources to improving the system itself, rather than by forcing service providers to comply with burdensome reporting obligations that create no real benefit to the public, but do create unnecessary paperwork. To the extent that imposing EAS performance standards proves to be necessary, the Commission should encourage industry to address the problem through a cooperative standards-setting process, not through regulatory mandates.

Further, while BellSouth does not object in theory to a requirement that multichannel video service providers transmit EAS messages that are initiated at the state level, the Commission must account for the fact that telco-provided video services will eventually be provided via regional networks that cross state lines.¹¹ The Commission therefore must examine whether it is technically

¹⁰ *Id.* at ¶ 70.

¹¹ *Id.* at ¶ 73.

feasible for such a system to segment EAS warnings on a state-by-state basis, and, if so, at what cost. Here, BellSouth must repeat its strong belief that federal oversight of the EAS is absolutely essential to avoid “collisions” between conflicting federal, state and local EAS authorities and messages. Any lack of consistency due to conflicting EAS instructions or obligations from state to state will only compromise the overall effectiveness of the system and, essentially, public safety.

Finally, as noted in comments already filed by the Society of Broadcast Engineers, it will be prohibitively expensive for new multichannel video entrants to equip their systems with the capability to transmit video EAS messages that precisely track the corresponding EAS audio feed.¹² The Commission appropriately recognizes in the *FNPRM* that the real solution here is to require FEMA and other EAS message originators to provide the same EAS message in both audio and video format, making them fully accessible to hearing or visually impaired consumers.¹³

¹² *Id.* at ¶ 78.

¹³ *Id.*

In sum, BellSouth believes that the *FNPRM* creates an excellent opportunity for industry and government to continue working cooperatively towards meaningful reform of the EAS. BellSouth requests that any further action in this proceeding be taken in a manner consistent with the recommendations set forth above.

Respectfully submitted,

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January 24, 2006